

SIR GEORGE WILLIAMS UNIVERSITY - REGULATIONS RELATING TO:

RIGHTS AND RESPONSIBILITIES OF MEMBERS OF THE UNIVERSITY

AND THE UNIVERSITY OMBUDSMAN OFFICE

I GENERAL

1. The system set out herein consists of two related parts: a statement of rights and responsibilities of all who study, teach or work at the university, with associated complaint procedures; a statement governing the setting up and functioning of the University ombudsman office.
2. These regulations apply to Sir George Williams University, not to the Sir George Williams Evening High School, the Sir George Williams School of Business, or the Sir George Williams School of Retailing.
3. The system applies to students, faculty, administrators and all other employees of the University. However, it does not replace or supersede the terms of the University tenure regulations, the existing official grievance procedures, or any collective agreements that may apply to particular individuals or groups within the University.
4. The ombudsman office is an essential part of this system. The manner in which the ombudsmen are to be appointed and their functions are set out in Section IV.
5. It is not only the right but the duty of faculty members and administrators to exercise their authority in areas that fall within their spheres of responsibility. Thus, for example, a faculty member has a responsibility to take whatever immediate action may be necessary to ensure the continuing order of his course just as the person responsible for an area of administration must take whatever immediate action may be necessary to ensure its proper functioning.
6. Although a faculty member or an administrator may take immediate action in the exercise of his responsibilities, such as referred to in the preceding paragraph, a person against whom such an action is directed may have recourse to the ombudsman office or to the complaint procedures set out below should he believe that the action was unjustified and that his rights were infringed upon.

7. Any disciplinary action taken by a faculty member or by an administrator other than the kind of immediate action referred to in paragraph 5 shall be taken by way of the complaint procedures set out below, subject to the Principal's right to suspend an individual pending the completion of such procedures.

8. All those who study, teach or work at the University are subject to the laws of the land, and have recourse to those laws. The same holds true for the University as a corporate entity. In the event of an act which appears to be an infringement of an individual's legal rights, it must be the decision of that individual whether or not to take legal action, irrespective of whether he has recourse to the procedures set out herein. Similarly, the University, acting through its duly authorised representatives, itself has the right to take at any time any legal action considered appropriate.

9. Wherever there is doubt or ambiguity regarding any provision in these regulations, or the procedure to be followed, that interpretation shall be adopted which appears most equitable, consistent with the general purposes and philosophy of these regulations.

10. It is desirable that recourse be had to the procedures in Section III only when it has been impossible to reach an informal settlement of differences, with or without the assistance of the ombudsmen, or when the issue is clearly one that demands formal action.

II RIGHTS AND RESPONSIBILITIES

1. A university is an institution of higher education dedicated to the pursuit of truth, and to the advancement and dissemination of knowledge. All those who study, teach or work there must be concerned with maintaining the freedoms essential to these purposes, notably the freedoms to teach; to engage in research; to create; to learn; to study; to speak; to associate and to assemble; to write and to publish. Rights and responsibilities emanate from these freedoms; the rights cannot be maintained unless the responsibilities are accepted.

2. A university has the rights of a duly incorporated institution of higher education, and it has responsibilities to those who are part of it. Each individual member also has rights and responsibilities.

3. To pursue its goals, a university requires protection against disruption. Neither repression of minorities nor denial of the rights of the majority can be tolerated. Mutual consideration is vital if the freedoms set out above are to be preserved.

4. The individual may exercise his rights only to the extent that they do not infringe upon those of his fellows or at the University. This requires the acceptance of personal responsibility and in particular refraining from such acts as: destruction of property; invasion of premises; disruption of classes or meetings; prevention of free access to or egress from property belonging to or rented by the University; violence and incitement to violence; assault and the threat of assault; libel and slander, discrimination against any person on the basis of sex, race, colour, creed or ethnic origin.

III COMPLAINT PROCEDURES

1. These procedures are applicable when there has been an alleged infringement of the rights of an individual, or of a group of persons, or of the University itself.

2. Procedures are commenced upon the lodging of a formal complaint. The complaint must be made in writing, and must be signed by the complainant or complainants. The allegations must be stated therein with precision, including specific details as to date, time and place. The complaint must be delivered to the appropriate authority as defined below within a reasonable delay, and in no case more than three months after the incident or decision complained of.

3. The appropriate authority to whom a complaint must be delivered is as follows. This listing is subject to change as changes are made to the administrative structure of the University.

- A. The Chairman of the Board of Governors in the event of a complaint against the Principal.
- B. The Principal in the event of a complaint against:
Vice-Principal, Academic;
Vice-Principal, Administration and Finance;
Assistant to the Principal;
Dean of Students;
Development Officer;
or anyone working directly for him.
- C. The Vice-Principal, Academic in the event of a complaint against:
Dean of Arts;
Dean of Science;
Dean of Commerce and Administration;
Dean of Engineering;
Chairman of the Board of Graduate Studies;
Assistant Vice-Principal, Academic;
Coordinator, Academic Planning;
Secretary, University Council;
or anyone working directly for him.
- D. The Vice-Principal, Administration and Finance, in the event of a complaint against:
Assistant Vice-Principal, Administration;
Director of Personnel;
University Librarian;
Director of the Computer Centre;
Director of the Centre for Instructional Technology;

Registrar;
Director of Planning;
Treasurer;
Director of Guidance;
Controller;
or anyone working directly for him.

- E. The appropriate Dean in the event of a complaint against a member of faculty, whether full-time or part time, or in the event of a complaint against anyone else employed in the Faculty for which he is responsible.
- F. The administrator listed above as reporting to either the Principal or one of the Vice-Principals in the event of a complaint against an individual employed in the department or departments for which he is responsible. In this connection, the following allocation of responsibility should be noted:
Assistant to the Principal - Information Office;
Dean of Students - Physical Education;
Assistant Vice-Principal, Administration - Food Services;
Director of the Computer Centre - Bookstore;
Director of Planning - Physical Plant;
Treasurer - University Purchasing Office and Printing;
Controller - Security.
- G. The Dean of the Faculty in which the student is enrolled, in the event of a complaint against a student by a non-student member of the University.
- H. The Dean of Students, in the event of a complaint by one student against another.

4. When a complaint has been made by a non-student member of the University against a student, the Dean of the Faculty in which the student is enrolled shall so inform the Dean of Students, and he shall keep him informed of the progress of the case.

5. When a complaint has been made by one student against another, the Dean of Students shall so inform the Dean of the Faculty in which the student is enrolled, and he shall keep him informed of the progress of the case.

6. In the event of a complaint against a graduate student, the Dean of Students shall so inform the Chairman of the Board of Graduate Studies, and he shall keep him informed of the progress of the case.

7. If one of the person named as an appropriate authority wishes to lay a complaint against an individual who comes within his own sphere of authority he must address himself to his own immediate superior.

8. The appropriate authority shall acknowledge receipt of the complaint as expeditiously as possible. He shall send copies both of the complaint and of his acknowledgment to the person complained against. If the complaint has been made against a student, a copy of the acknowledgment shall also be sent to the Dean of Students.

9. The complaint shall be enquired into in whatever manner the appropriate authority considers most suitable. The appropriate authority may conduct the enquiry himself or he may assign the enquiry to another individual or to a committee named by him. If the appropriate authority or the individual or the committee concludes that the allegations are founded in whole or in part, the appropriate authority shall take whatever action he deems suitable in so far as he is empowered to do so, or recommend such action to those who have the power to implement it. If the appropriate authority has assigned the enquiry to an individual or to a committee, he may also assign to that individual or committee the function of taking or recommending appropriate action in cases where it is concluded that the allegations are well founded in whole or in part. Since a student can be suspended or expelled from the University only by action of the Principal, any such recommendation must be forwarded to the Principal.

10. Both the complainant and the person complained against must be given the opportunity to make any relevant representations, in person or in writing as they see fit.

11. The decisions referred to in paragraph 9 must be written, signed and dated, and must be reasoned. The appropriate authority shall deliver such decisions to the complainant, the person complained against, the administrator to whom the appropriate authority, himself, reports and to the Dean of Students if a student is involved. The Chairman of the Board of Governors shall deliver his decisions to the Board as a whole.

12. Both the complainant and the person complained against have a right of appeal to the Board of Governors. Either party wishing to avail himself of the appeal procedure must deliver a written and signed notice of appeal to the Secretary of the Board of Governors within fourteen days of the rendering of the decision appealed against.

This delay may be extended in exceptional cases by the Board of Governors upon application in writing by the person who wishes to appeal, but it shall not be extended unless that person could not reasonably have acted within the fourteen days. The appeal may be taken against either the decision on the merits or against the action taken or recommended, or against both. The notice must state in clear and precise terms the grounds on which the appeal is based.

13. The Secretary of the Board of Governors shall send without delay copies of the notice of appeal to the appropriate authority responsible for the decision which is being appealed, to the opposite party, and to the Dean of Students if a student is involved. The appeal shall be placed on the agenda of the next meeting of the Board.

14. Should the appeal be lodged by the complainant, or should it be lodged by the person complained against in a case where action other than a sanction of suspension, expulsion or dismissal has been imposed or recommended, the Board of Governors shall decide whether to deal with it directly or to set up a review board, composed of persons from either within or without the University or from both, as the Board of Governors judges fit. The decisions of the Board of Governors in the former case, or of the review board in the latter case shall be final.

15. Should the person complained against wish to lodge an appeal in a case where a sanction of suspension, expulsion or dismissal has been imposed or recommended, he may choose either that the appeal be dealt with according to the procedure set out in the above paragraph or he may require the Board of Governors to appoint a committee of three persons from outside the University, one of whom must be a lawyer not otherwise in the employ of the University, to hear the appeal. Its decision shall be final.

16. Where the choice referred to above is not made, the Board of Governors shall decide whether to deal with the appeal according to the procedure set out in paragraph 14 or that set out in paragraph 15.

17. The Secretary of the Board of Governors shall communicate the decision in writing to the persons referred to in paragraph 11.

18. Wherever reference is made above to an official of the University, and that official is unable to exercise his functions, the person who is replacing him will carry out those functions.

19. Apart from the requirements to inform set out above, any proceedings or decisions in accordance with the provisions of Section III shall be treated as confidential unless all the parties involved expressly agree that they be made public.

IV THE OMBUDSMAN OFFICE

1. The ombudsman office shall be composed of three persons already in the employ of the University. They shall be appointed by the Principal acting on the advice of a search committee named by him. The search committee shall be representative of all who study, teach and work at the University.
2. Anyone who studies, teaches or works at the University shall have the right to apply to the ombudsman office on any matter of concern to him. The members of the office shall decide between them which of them will handle any particular application, or whether they will handle it jointly.
3. The ombudsmen shall be free to enquire into any matter thus brought to their attention, and to make whatever recommendations they judge appropriate.
4. It is expected that the ombudsmen will be able to resolve many problems and conflicts before they reach a stage where formal procedures are necessary. Once formal procedures have commenced, their role shall be limited to conciliation.
5. The appointment of the ombudsmen shall be for two years, and they will be released on a part-time basis from their regular functions.
6. On the conclusion of an enquiry, the ombudsman office shall provide the individual who applied for its services with a written report on its disposition of the matter.
7. The ombudsmen shall have the right to refuse to take up any case if for any reason they judge intervention inappropriate.
8. Recommendations of the ombudsmen may bear either on the actions or decisions of an individual or group or on the policies or practices which gave rise to such actions or decisions.
9. The ombudsmen shall have immediate access to all University records, reports or other documents other than those which cannot be released for reasons of confidentiality. If the ombudsmen wish to challenge the decision of an officer of the University with regard

to confidentiality they shall have the right of appeal to the Board of Governors. The ombudsmen shall maintain the confidentiality of all confidential materials to which they have access.

in addition.

10. The ombudsmen shall issue a report annually to the University in such a way as to indicate the nature and extent of their operations, while protecting the anonymity and confidence of any individuals who have applied to them or with whom the ombudsmen have been in contact regarding particular cases.

11. At the conclusion of the two-year period the validity of the operation shall be assessed by University Council and the Board of Governors after consultation with the University as a whole. The decision shall then be made whether to continue with the ombudsman office as constituted, to replace it with a single ombudsman, or to abandon the function.

12. In the event that the decision is made to continue with the function, the existing ombudsmen shall be eligible for reappointment by the Principal on the advice of a search committee, constituted as set out in paragraph 1.

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